

REPORT ON ANTICIPATED GENERAL PLAN AMENDMENTS

March 15th City Council Meeting

Background

Staff has identified the need for several City-initiated General Plan amendments. These possible amendments are being presented to the Council to receive preliminary comments. A similar report has been provided to the Planning Commission at their March 9th meeting. State law limits the number of amendments to the seven mandatory elements of the General Plan to no more than four times per year. The mandatory elements are: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. The law, however, does not limit the number of changes that can occur within one amendment, therefore we typically bundle changes together. A summarized list of City-initiated changes staff is considering is provided below:

Housing Opportunity Sites: Housing Element Policy B-I-4 states that the City will support changing the land use classification of the north side of Dixon Road (east of North Milpitas Boulevard) and the Fiesta Plaza Shopping Center on Dempsey Road from Neighborhood Commercial to Mixed-Use. This would allow multi-family housing on these sites, but would allow most of the existing uses to remain legal, conforming uses. Planning staff has received an application to develop one of the vacant lots along Dixon Road and two other property owners nearby have expressed interest in developing / redeveloping their sites. Badru Valani, developer of the Apton Plaza project on North Main Street, has recently purchased the vacant lot behind Savers (in the Fiesta Plaza Center) and has an option to purchase and develop the Savers' parcel. Mr. Valani has expressed interest in developing these two sites at a minimum residential density of 40 units per acre (du/ac), which is the upper end of the Very-High Density Residential land use classification. The upper end of the Mixed-Use classification is 30 du/ac. To implement policy B-I-4, staff would recommend supporting the interest in redeveloping these areas by doing a City-initiated land use change to a combination of Mixed-Use and Very-High Density Residential, and requiring ground floor retail for the Mixed Use Dixon Landing Road opportunity to ensure this area redevelop to include residential as well as retail. This will help reduce the time and costs in providing additional housing opportunities within the City.

Method of Calculating Residential Density: The Land Use element contains the descriptions and standards for the City's different land use classifications. The residential classifications are primarily distinguished by how many units are allowed on one acre of land. As the City was growing, large tracts of land were developed and new public roads were created within the developed area. To account for these roads, density has been based on gross acres which is defined as the parcels to be developed (net acres) and half of the adjacent public streets. In infill areas, the City's public street system has been established. Using gross density to calculate the number of units on an infill parcel where there are no streets to be established, results in a net density of calculation of requiring a greater number of units to meet the density per acre since less land area is factored into the density calculations. Staff will be proposing to re-define gross density in the Land Use Element to mean the size of the parcel within the property lines prior to development, exclusive of the adjacent public roads.

Community Warning Systems: Community warning systems, part of an integrated approach to disseminating emergency public information, are an effective way of providing emergency information and direction to residents. Pole and roof-mounted sirens provide wide area warning and the City's AM radio station provides specific information. The City currently has nine sirens in three neighborhoods but new neighborhoods are being created in the Midtown Area along the rail and road transportation corridor. Staff will be proposing amendment to the Safety Element to establish the policy framework to incorporate new warning systems into new housing developments.

Storm Water Quality: Staff is proposing to amend existing general plan policies to strengthen the policy framework for the implementation the City's NPDES permit. Staff has provided a preliminary draft of the proposed amendments in the agenda packet

PROPOSED CHANGES TO OPEN SPACE AND ENVIRONMENTAL CONSERVATION ELEMENT

The existing element briefly mentions the role of the Regional Water Quality Control Board and the City's NPDES Permit. It has three goals and policies:

1. Protect and enhance the quality of water resources in the Planning Area.
2. Promote conservation and efficiency in the use of water.
3. Implementing policy to "Continue implementing the NPDES requirements of the RWQCB.

The proposed changes to the Element would clarify the background and requirements for minimization of urban runoff pollution from new development

Chapter 4.4 Water Quality and Conservation

- Summary of requirements of the City's NPDES requirements
- Urban Runoff Management Plan is implemented by inspections of municipal storm drains and private industrial and commercial facilities to prevent illegal dumping and enforce requirements to implement best management practices (BMPs). Construction sites are inspected to enforce use of BMPs. Development approvals require incorporation of permanent pollution control measures, and incorporate pest management procedures.
- Mention is made of the City's Stormwater C.3 Guidebook

Chapter 4.9 Open Space/Conservation Principals and Policies (an expanded principals and policies section beyond the three mentioned above)

1. Purposes and Intent Section to provide a legal basis for the principals and policies.
2. Several policies that will be used to implement the City's NPDES permit including:
 - Implementation of a comprehensive municipal stormwater pollution prevention program
 - Working cooperatively with other agencies to preserve wetlands
 - Conforming developments to natural landforms where feasible
 - Avoiding new outfalls to natural or earthen channels where feasible
 - Minimizing directly connected impervious areas
 - Treatment of stormwater discharges onsite
 - Operations and maintenance requirements by owners and operators of stormwater treatment facilities
 - Requirement that construction sites incorporate measures to control erosion.

3. Actions necessary to implement the Milpitas Urban Runoff Management Plan:
 - Inspect commercial and industrial facilities and require BMPs
 - Conduct surveillance and enforcement to reduce illegal dumping to storm drains
 - Implement BMPs to minimize runoff pollutants during operation and maintenance of streets, roads, storm drains, and water supply mains and facilities
 - Inspect construction site and require erosion and sedimentation control and pollution prevention BMPs
4. Cooperative Efforts to Protect and Enhance Water Quality:
 - Support and participate in the Santa Clara County Urban Runoff Pollution Prevention Program (SCVURPPP)
 - Support and participate in interagency groups such as the Santa Clara Basin Watershed Management Initiative and the Santa Clara Valley Water Resources Protection Collaborative
 - Coordinate with the Santa Clara Valley Water District to plan and implement multi-objective projects to reduce flood hazards, restore stream functions and provide recreational resources
5. Development Requirements:
 - Update the City's Stormwater C.3 Guidebook
 - Require developers to submit a Stormwater Control Plan with applications which detail the required stormwater pollution prevention measures incorporated into the project
 - Require developers to prepare a Stormwater Control Operation and Maintenance Plan
 - City will evaluate water quality effects and identify appropriate mitigation measures when performing CEQA review
 - City will adopt and revise public works standards to minimize the impacts of development on water quality